

ANNUAL REPORT - 1985

PRINCE EDWARD ISLAND

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During the calendar year 1985 the Land Use Commission engaged in a broad range of activities relating to the use and ownership of land within the province. Thirty-one meetings were held during the year. The main activities of the Commission can be summarized as follows:

1. Appeals.

The Land Use Commission hears appeals from persons who are dissatisfied with decisions made by government agencies and municipal governments under the Planning Act and the Unsightly Properties Act. Most appeals (7 in 1985) are submitted by persons or companies who have been refused permission to subdivide their land or from persons who are refused a building permit. In a smaller number of cases, citizens or municipalities are appealing decisions involving the approval of a subdivision or building permit (4 in 1985). The Commission made decisions on 11 appeals under the Planning Act in 1985. Six were appeals of decisions of the Department of Community & Cultrual Affairs; the remainder were appeals of decisions made by municipalities under the authority of Official Plans and Zoning By-laws. The number of appeals heard by the Commission was almost double that of the preceding year. Six appeals were denied; five were allowed.

One appeal was heard under Part III of the Planning Act, Major Retail Development. It is clear that appeals under this section will be lengthier and more costly than normal appeals heard by the Commission. Fourteen full days were needed to hear the evidence in this appeal.

2. Lands Protection Act.

The Commission continues to be responsible for making recommendations to Executive Council on all applications from non-residents and non-farm corporations seeking to acquire land in the province under the Lands Protection Act. The Commission is also responsible for the administration of the legislation.

During the course of the year the Commission made recommendations on 92 non-resident and 46 corporate applications. Four requests to release land from land identification agreements were granted.

Two applications were made by a non-farm corporation to retain a landholding in excess of 3,000 acres. The applications were denied.

The vast majority of applications under the Lands Protection Act continue to be routine in nature. Gifts and bequests between related individuals, transfers between one non-resident and another, transfers from an individual to his company, etc., make up the bulk of the transactions under the Act.

There continues to be a marked reduction in the number of applications received as compared to the period before 1981. In part, the reduction reflects a lower level of activity in the land market. In addition, under the new Lands Protection Act, farm corporations are exempt, non-resident exemptions have been slightly broadened, and parcels of one acre or less within incorporated municipalities are no longer considered as land.

3. Public Hearings.

Two public hearings were held in 1985 to consider applications by Cavendish Farms, a division of Irving Pulp and Paper Limited, to retain a landholding in excess of 3,000 acres under the Lands Protection Act. The applications were subsequently denied by Executive Council.

4. Official Plans.

New Official Plans were approved for the Communities of Eastern Kings and Kinkora. Amendments to Official Plans were approved for the Communities of Crossroads and Winsloe. Most suburban communities in the Charlottetown and Summerside areas now have their own Official Plans and administer their own subdivision and building regulations. Several are now reviewing their Official Plans which have been in effect for several years.

5. Municipal Boundary Extensions.

One application for a municipal boundary extension was received during the year from the Town of Kensington. Approval was recommended and subsequently approved by Executive Council. Under the new Municipalities Act, a vote of the residents in the area to be annexed is no longer required. It can be anticipated that the number of requests for boundary extension will increase in the future.

6. Composition of the Commission.

Mr. Joseph Walsh and Mr. Arthur Hudson resigned from the Commission in 1985. Mr. Gregory Deighan was appointed Chairman. Mr. Keith Mullins was appointed to the Commission. Mrs. Doris White, Mr. Gregory Deighan and Mr. Joseph MacDonald were re-appointed for two-year terms.

Gregory Deighan,
Chairman

February 28, 1986